

Cmt
C1
insertion of a type 1 connector which cannot be inserted past its own web 10. On the other hand, type 2 connector 22 lacks such an obstruction and a rod with the same profile can pass all the way through with only the interference fit of the x-bearing surfaces 26 resisting its passage.--

Page 7, delete the first full paragraph (lines 9-12) and substitute therefor the following paragraph:

C2
--The present invention may be embodied in other specific forms without departing from the spirit or essential attributes thereof and accordingly, reference should be made to the appended claims rather than to the foregoing specification as indicating the scope of the invention.--

In the Drawings:

With the approval of the Examiner, Applicant will make the change to Figure 2 as shown in the photoprint attached hereto.

REMARKS

The Office Action of May 23, 2001 and the prior references cited therein have been carefully studied and in view of the above changes and the following representations, reconsideration and allowance of this application are most respectfully requested.

The Examiner has raised a number of clerical issues with respect to the specification and drawing. By the foregoing amendments, Applicants have correct the minor problems pointed out by the Examiner. It is believed that the objections have, therefore, been overcome.

The Examiner also objects to Applicants' attempt to incorporate subject matter into this application by reference to a prior application. According to the Examiner, this is improper since the prior application has been abandoned. Applicants most respectfully disagree.

According to MPEP §608.01(p) "Abandoned applications less than 20 years old can be incorporated by reference to the same extent as co-pending applications: both types are open to the public upon the referencing application issuing as a patent." Accordingly, Applicants submit that their incorporation by reference is proper and it is most respectfully requested that the Examiner withdraw his objection to the same.

With respect to the merits of this application, the Examiner has rejected claim 6 under 35 U.S.C. §102(b) as being anticipated by the Glickman '486 patent. This rejection is most strenuously but respectfully traversed.

Claim 6 is directed toward female connectors that are used with genderless construction systems and which have two holes formed therein adopted to mate with a two-fingered genderless connector by means of an interference fit when the fingers are inserted into the holes. Furthermore, at least one of the holes is substantially triangularly shaped and has one corner closer to the other of the two holes than the other two of the said three corners. These features are simply not shown in Glickman '486.

While Glickman may show a connector which may, in fact, be considered to be a female connector and which may include at least one triangularly shaped hole therein, the device is not adapted to mate with a two-fingered genderless connector by means of an interference fit

when the fingers are inserted into the holes. In fact, there is no discussion of any kind in the Glickman '486 patent that anything be inserted into the triangular openings. Other connectors are connected to various portions of the Glickman '486 device but not to the triangular openings.

The triangular openings of Glickman '486 seem to have no purpose of any kind. The device could be solid or have openings of substantially any other shape since these openings simply have no function whatsoever in the use of the Glickman '486 device. Accordingly, Glickman '486 does not anticipate claim 6 and it is most respectfully requested that the Examiner's rejection based thereon be withdrawn.

The Examiner has rejected all of claims 6-12 under 35 U.S.C. §103(a) as being unpatentable over the Glickman '331 patent. According to the Examiner, in Figure 25, Glickman '331 discloses a connector comprising a round disk plastic member having at least two holes formed therein and adapted to mate with a connector 401 by means of an interference fit when the connector 401 is inserted into the holes. The Examiner also states that the holes are trapezoidal with a web material separating the holes from each other. The Examiner acknowledges, however, that at least one and/or two of the holes are not triangularly shaped with three internal corners with one of the corners of at least one hole being closer to the other of the two holes than the other of the three corners as set forth in the claims. He takes the position, however, that the shape of the holes is dictated by the shape of the connector and that it would be obvious to one of ordinary skill in the art to modify the shape of the holes to conform to the shape of the desired connector such as a two-fingered genderless connector for the advantage of

enhancing the connection between the connectors. This rejection is most strenuously but respectfully traversed.

First, and contrary to the Examiner's statement, the connector 401 is not inserted into the holes. Rather, the connector 401 is inserted into only one hole. Applicants' claims specifically require that there be two holes that are adapted to mate with a two-fingered genderless connector by means of an interference fit when the fingers are inserted into the holes. Whether specifically stated in the specification or not, one of the advantages of this type of arrangement is that the two-fingered genderless connector cannot rotate when two fingers are inserted into two holes. This clearly differs from the arrangement shown in Figure 25 of Glickman '331.

Applicants also submit that it is improper for the Examiner to merely take the position that the shape of the holes would be obvious without some suggestion in the prior art. Since Glickman '331 does not show a two-fingered genderless connector, it is difficult to understand why or how it would be obvious to one skilled in the art to change the shape of the holes in order to accommodate a two-fingered genderless connector.

Glickman '331 also lacks many of the features of the dependent claims. For example, although the Examiner takes the position that it would be obvious to one skilled in the art to provide Glickman '331 with a narrow passage extending between two holes, there is no suggestion in Glickman '331 or elsewhere in the prior art to do this. The only suggestion comes from Applicants' disclosure and it is submitted that it is improper to use Applicants' own

disclosure against them. Contrary to the Examiner's suggestion, the narrow passage as set forth in the claims is not dictated by the shape of the connector. The same connector can be inserted into the openings whether they be connected or separated by a web of material.

Similarly, Glickman '331 lacks the features of claims 10-12 that require that each of the holes be substantially triangularly shaped wherein one of the angular corners of each of the holes be in alignment with each other. In Figure 25 of the Glickman '331 patent, there are a number of triangular openings but each one of them has an angular corner in alignment with the central opening and not with the corner of another triangular opening. Furthermore, there is no suggestion in Glickman '331 that the claimed arrangement should be constructed.

For all of the foregoing reasons, Applicants submit that claims 6-12 clearly and patentably distinguish over the prior art of record and should be allowed. It is believed that this application is in condition for allowance and an early action toward that end is most respectfully solicited.

Respectfully submitted,

ERIC CLEVER ET AL.

By:


Norman E. Lehrer

Registration No. 26,561

Dated: August 23, 2001

Marked Up Version of the Specification

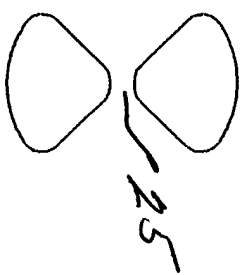
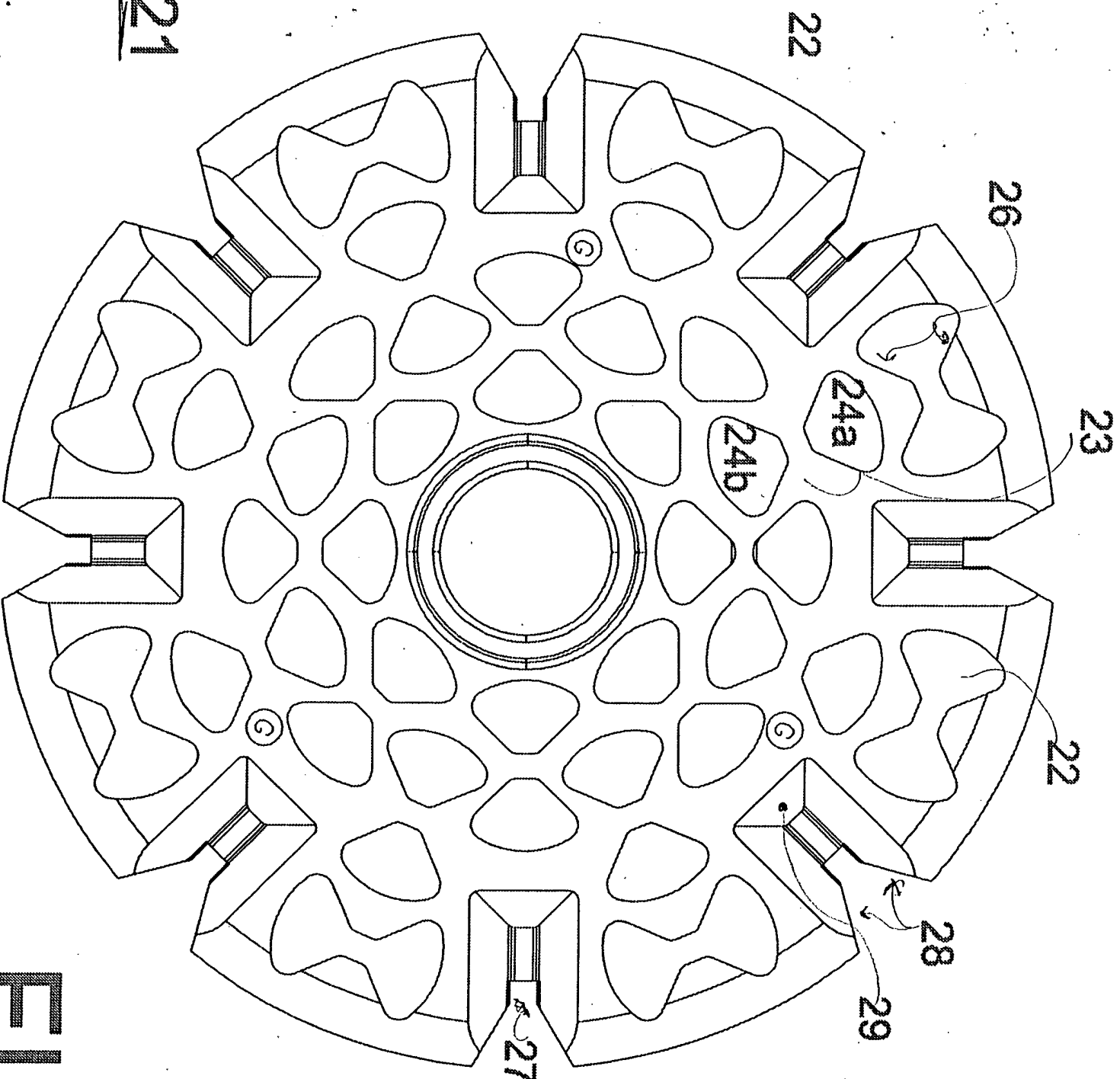
Serial No. 09/188,702

Page 6, Lines 10-18

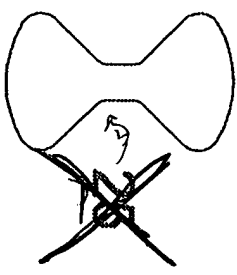
In FIG. 2 we show in plan view a hub 21 with vertical female connectors distributed in a polar array with their principal axis perpendicular to the hub's main axis. These vertical female connectors consist of type 2 connectors all identical to 22, and type 3 connectors all identical to 23. Said connector 23 is constructed of two identical halves 24a and 24b. The separation between the two halves effectively creates a web 25 which acts as a stop to the insertion of a type 1 connector which cannot be inserted past its own web 10. On the other hand, type 2 connector 22 lacks such an obstruction and a rod with the same profile [25] can pass all the way through with only the interference fit of the x-bearing surfaces 26 resisting its passage.

Page 7, Lines 9-12

The present invention may[t] be embodied in other specific forms without departing from the spirit or essential attributes thereof and accordingly, reference should be made to the appended claims rather than to the foregoing specification as indicating the scope of the invention.



type 3 connector



type 1 connector

type 2 connector

FIG. 2